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| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | TRAN, MYLINH T | |
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

MAR 15 2006

Application Number: 09/535,979
Filing Date: March 27, 2000
Appellant(s): DUCZMAL ET AL.

Technology Center 2100

John C. Garvey
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/19/05 appealing from the Office
action mailed 12/19/05.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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| | | |
|-----------|--------|---------|
| 6,430,605 | HUNTER | 08-2002 |
| 6,513,052 | BINDER | 01-2003 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-9, and 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter (US 6,430,605) in view of Binder (US 6,513,052).

As per independent claim 1, Hunter teaches a system for dynamic display of advertising material, comprising:

a plurality of input sources for receiving scheduling information and advertising material

in the form of at least one image object for scheduling display of said advertising material during an allocated time slot (col. 3, lines 43-65);

a database for storing said at least one image object; a server for managing said

advertising material in accordance with said scheduling information (col. 3, lines 53-58); and at least one billboard located in a public space accessible by the public for displaying to the public said at least one image object during said allocated time slot (col. 3, lines 31-42).

Hunter teaches prior to expiry of said allocated time slot, the server triggering a communication session with the billboard to upload and display a further image object during a respective further time slot (col. 3, line 43 - col. 4, line 12).

However, Hunter does not disclose the billboard triggers a communication session with the server to upload and display image object during a respective further time slot. A client schedules to trigger communication sessions with a server to download or upload data is well known in the client-server computer art. Binder teaches a client computer automatically trigger, by a scheduling mechanism, a communication session with a storage server for archiving data over the Internet (col. 5, lines 8-22). It would have been obvious to an artisan at the time of the invention to use the teaching from Binder of triggering communication sessions with a server by a client in Hunter's system since it would

allow the clients actively control the flow of the transferring data.

As per claim 6, which is dependent on claim 1, Hunter teaches the server comprises:

a distribution engine for uploading said scheduling information and said advertising

material from said plurality of input sources, for managing said advertising material and for providing said advertising material to said at least one display location (col. 4, lines 4-12); and

Since the Review Schedule and Purchase Time module (60 of fig.1) schedules the

advertising time slot (col. 3, lines 53-58), it is inherent that the Review Schedule and Purchase Time module has a slot allocator for monitoring said scheduling of said display.

As per claim 7, which is dependent on claim 6, Hunter teaches the server further

comprises: a transaction system for enabling payment, cancellations and status checking (col. 3, lines 47-50 and col. 5, lines 32-34).

As per claim 8, which is dependent on claim 1, it is inherent in Hunter's system that the

server further comprises a monitoring system for providing a view of said advertising material, allocated to a display location, to at least one of said plurality of input sources.

As per claim 9, which is dependent on claim 7, Hunter teaches the server further

comprises:

a location identifier for providing description, statistical and technical information

concerning said at least one display location to at least one of said plurality of input sources (col. 4, line 47 - col. 5, line 34).

As per independent claim 11, Hunter teaches a method for dynamic display of advertising, comprising:

accessing a server, via said network, to retrieve available time slots associated with at

least one billboard; selecting a time slot from said available time slots for displaying advertising material (col. 3, lines 53-58);

storing said advertising material in a database (col. 3, lines 53-58);

uploading said advertising material from said database to said billboard prior to occurrence of said selected time slot (01. 3, lines 43-65);

displaying said advertising material to the public at said billboard located in a public

space accessible by the public when said timeslot occurs (col. 3, lines 31-42); and

Hunter teaches prior to expiry of said allocated time slot, the server triggering a communication session with the billboard to upload and display a further image object during a respective further time slot (col. 3, line 43 - col. 4, line 12).

However, Hunter does not disclose the billboard triggers a communication session with the server to upload and display image object during a respective further time slot. A client schedules to trigger communication sessions with a

server to download or upload data is well known in the client-server computer art.

Binder teaches a client computer automatically trigger, by a scheduling mechanism, a communication session with a storage server for archiving data over the Internet (col. 5, lines 8-22). It would have been obvious to an artisan at the time of the invention to use the teaching from Binder of triggering communication sessions with a server by a client in Hunter's system since it would allow the clients actively control the flow of the transferring data.

As per claims 12 and 13, which are dependent on claims 11 and 12 respectively, Hunter

teaches the step of searching for a billboard before said step of selecting a time slot from said available time slots and further comprising the step of retrieving billboard location data after said step of searching for a billboard location (col. 3, lines 53-58).

As per claim 14, which is dependent on claim 11, Hunter teaches the step of checking

said advertising material for technical integrity before said step of storing said advertising material in "said" database (col. 4, lines 4-12).

As per claims 15-16, Hunter teaches the step of performing financial transactions before

said step of uploading said advertising material (col. 3, lines 53-63), wherein the step of

performing financial transactions comprises the steps of calculating transaction fees and

aggregating airtime information (col. 4, line 47 - col. 5, line 34).

(10) Response to Argument

Appellant has argued the following:

(a) There is no teaching or suggestion in the prior arts supporting the limitation:

“triggering a communication session with said server to upload and display a further image object during a respective further time slot.”

(b) The references do not teach or suggest “a distribution engine upload said scheduling information and said advertising material from said plurality of input sources, managing said advertising material and providing said advertising material to said at least one display location and a slot allocator for monitoring said scheduling of said display.”

(c)
Ⓢ The references do not teach or suggest “a transaction system for enabling payment, cancellations and status checking.”

(d) The prior arts do not teach or suggest “a monitoring system for providing a view of said advertising material allocated to a display location, to at least one of said plurality of input sources.”

(e) The prior arts do not teach or suggest “a location identifier for providing description, statistical and technical information concerning said at least one display location to at least one of said plurality of input sources.”

- (f) The references do not teach or suggest "searching for a billboard before selecting a time slot from said available time slots."
- (g) The prior arts do not teach or suggest "retrieving billboard location data after searching for a billboard location."
- (h) The references do not teach or suggest "checking said advertising material for technical integrity before storing said advertising material in the database."
- (i) The prior arts do not teach or suggest "performing financial transaction before said step of uploading said advertising material."
- (j) The references do not teach or suggest "calculating transaction fees and aggregating air time information."

Examiner disagrees for the following reasons:

- (a) In response to applicant's argument that there is no suggestion "the billboard (or client) triggers a communication session with said server to upload and display a further image object during a respective further time slot", Hunter teaches "the customer reviews options concerning his order by reviewing available advertising time/locations through a Review Schedule and Purchase Time module that permits the customer to see what time is available on any display throughout the world and thereafter schedule and purchase the desired advertising time slot. Next, the customer transmits the advertising content on-line through the Internet." Then, the server triggers a communication session with the billboard to upload and display a further image object by relying on column 4, lines 4-12 "The video & still image review and input module permits a

system security employee to conduct a content review to assure that all content meets the security and appropriateness standards established by the system, prior to the content being read to the server associated with each display where the content being transmitted to the server will be displayed. Preferably, the servers are located at their respective displays and each has a backup.”

Although Hunter fails to clearly teach “the billboard (or client) triggers a communication session with said server to upload and display a further image object.”, Binder teaches the user (is considered as the billboard in the case) triggers a communication session with the server to upload the data by relying on column 5, lines 8-20, “Method 300 begins.... Where software application executing on one of the user computers initiates an Internet backup session. The session may be triggered manually via the user or can be automatically started by a scheduling mechanism. Upon initiation, user computer opens a communication opens a communication session with storage server for archiving data over Internet.”

Therefore, Hunter and Binder, in combination, clearly teach the feature of “triggering a communication session with said server to upload and display a further image object during a respective further time slot.”

(b) Hunter teaches a distribution engine upload said scheduling information and said advertising material from said plurality of input sources, managing said advertising material and providing said advertising material to said at least one

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display location and a slot allocator for monitoring said scheduling of said

display (col. 4, lines 4-12); and

Since the Review Schedule and Purchase Time module (60 of fig.1) schedules the

advertising time slot (col. 3, lines 53-58), it is inherent that the Review Schedule and Purchase Time module has a slot allocator for monitoring said scheduling of said display.

(c)

⊗ Hunter teaches "a transaction system for enabling payment, cancellations and status checking." at column 3, lines 47-50 and column 5, lines 32-34.

(d) The Review Schedule and Purchase of Hunter teaches "a monitoring system for providing a view of said advertising material allocated to a display location, to at least one of said plurality of input sources." at column 3, lines 50-65.

(e) Hunter teaches "a location identifier for providing description, statistical and technical information concerning said at least one display location to at least one of said plurality of input sources." at column 4, line 47- column 5, line 34.

(f) Hunter teaches "searching for a billboard before selecting a time slot from said available time slots." at column 3, lines 53-58.

(g) Hunter teaches "retrieving billboard location data after searching for a billboard location." at column 3, lines 53-58.

(h) Hunter shows "checking said advertising material for technical integrity before storing said advertising material in the database." at column 4, lines 4-12.

(i) Hunter shows "performing financial transaction before said step of uploading said advertising material." at column 3, lines 53-63.

(j) Hunter teaches "calculating transaction fees and aggregating air time information." at column 4, line 47-column 5, line 34.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section (9) above. Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any amendment, affidavit or other

evidence must be relevant to the new grounds of rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

Mylinh Tran

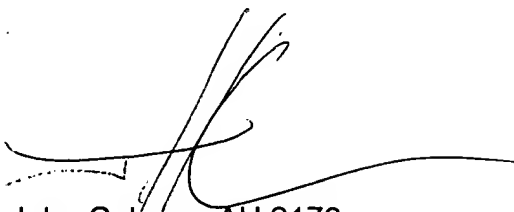
Patent Examiner, AU 2179

Conferees

SPE. Weilun Lo, AU 2179


WEILUN LO
SUPERVISORY PATENT EXAMINER

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SPE. John Cabeca, AU 2173

JOHN CABECA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Ba Huynh Primary Examiner AU, 2179



BA HUYNH
PRIMARY EXAMINER